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LETTER DATED 28 SEPTEMBER 1995 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon instructions of my Government, I am writing to you concerning the letter of the Croatian Foreign Minister addressed to you on 20 September 1995 (S/1995/812) and wish to state the following.

1. By that letter, Mr. Granić publicly acknowledged that the Croatian regular army has been actively engaged in the military operations within (the internationally recognized borders of) Bosnia and Herzegovina. In an attempt to justify the presence of the Croatian army in Bosnia and Herzegovina by a bilateral agreement with the Bosnian Muslim leadership, Mr. Granić derogates the validity of the Security Council resolutions, particularly resolution 752 (1992), which contains an explicit demand that all troops from outside Bosnia and Herzegovina be withdrawn from Bosnia and Herzegovina. Since no unilateral act or bilateral agreement can derogate the resolutions of the Security Council, which under the Charter of the United Nations has the primary responsibility for maintenance of peace and security, the Yugoslav Government demands from the Security Council to be informed if it considers the above resolution still valid. Consequently, the Security Council has the obligation to undertake effective measures to ensure Croatia's compliance with the provisions set out in that resolution. By further tolerating the violations of its own resolutions and punishing only one side in the conflict in Bosnia and Herzegovina, the Security Council challenges its own credibility in the political resolution of the Bosnian crisis.

2. Massive military engagement of the Croatian army in Bosnia and Herzegovina can in no way mean "solution". It is not only in direct contravention of the Security Council resolutions, resolution 752 (1992) in particular, but also further aggravates the situation and significantly diminishes the prospects for a positive outcome of the ongoing peace process in Bosnia.

3. It is well known what the real reasons are that the Serbs in Krajina have resorted to self-defence. The resistance of the Serb people towards the new Croatian State, as a continuation of the notorious "Independent State of Croatia" in which the Serb people were subjected to genocide, is an authentic expression of their legitimate rights and demands which were denied only to the Serb people. Furthermore, the decision that the Yugoslav People's Army (JNA)

should undertake measures against the rebellious Republic of Croatia, which was determined to secede illegally and unconstitutionally, was made by the legitimate authorities of the Socialist Federal Republic of Yugoslavia in accordance with the right of any sovereign and independent State to take all necessary actions in order to preserve its territorial integrity. Consequently, it is outrageous that Mr. Granić has accused the Federal Republic of Yugoslavia for "the occupation of the Vukovar region", since the Federal Republic of Yugoslavia was only constituted a year after the authentic drive of the Serb people of the region to protect their legitimate rights.

4. Croatian massive military engagement in Bosnia and Herzegovina represents a striking example of the foreign military intervention, in direct contravention of the Charter and the relevant Security Council resolutions. Furthermore, such unlawful behaviour is coupled with consistent denial of all rights of the Serb people just for being Serbs. Horrendous atrocities committed by the regular army of Croatia in Western Slavonia and Krajina which resulted in the slaughter of thousands of Serbs, the looting and burning of Serb houses and the expulsion of about 500,000 of them from their ancestral homes, have proved that the main Croatian political goal is to establish an ethnically pure State. Such a policy of genocide is well known in recent European history, but then it was universally condemned and its perpetrators were justly punished. Unfortunately, the Croatian leadership is pursuing the same policy today and is not only not punished but not even condemned.

A country that resorts to State terror against a people just for being of different national and religious background, contrary to international human rights instruments, does not have any right to raise the issue of sanctions against other States.

The Government of the Federal Republic of Yugoslavia expects the Security Council to overcome its previous shortcomings and to undertake resolute and urgent measures in line with its competencies in order to ensure full compliance with its resolutions by Croatia, for the sake of the peaceful and comprehensive resolution of the crisis in the territories of the former Yugoslavia.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIĆ
Ambassador
Chargé d'affaires a.i.